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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

ACADEMY OF MOTION PICTURE  
ARTS AND SCIENCES, a California  
nonprofit corporation,

Plaintiff,

v.

GODADDY.COM, INC., a Delaware  
corporation; THE GODADDY GROUP  
INC.; a Delaware Corporation;  
DOMAINS BY PROXY, INC., a  
Delaware Corporation;  
GREENDOMAINMARKET.COM, an  
unknown entity; BDS, an unknown  
entity; and XPDREAMTEAM LLC, a  
California limited liability corporation,

Defendants.

Case No. 5:12-mc-80192-EJD

Underlying Civil Action Pending in  
U.S. District Court for the Central  
District of California, Case No. 2:10-cv-  
03738-ABC-CW

**PLAINTIFF'S NOTICE OF  
CHANGE OF SCHEDULING  
ORDER BY CENTRAL DISTRICT  
OF CALIFORNIA IN THE  
UNDERLYING CASE**

**[SUBMITTED IN SUPPORT OF  
PLAINTIFF'S MOTION TO  
COMPEL FRCP 30(B)(6)  
DEPOSITION TESTIMONY OF  
NON-PARTY GOOGLE, INC.]**

**Honorable Paul S. Grewal**

**I. NOTICE OF RULING FROM THE CENTRAL DISTRICT OF CALIFORNIA COURT<sup>1</sup>**

At the October 2, 2012 hearing, Plaintiff Academy of Motion Picture Arts & Sciences (“AMPAS”) informed this Northern District Court that it would seek— together with the GoDaddy defendants—an extension of the deadlines in the underlying case in the Central District of California (the “Underlying Case”).

On October 8, 2012, AMPAS and the GoDaddy defendants submitted a joint motion to continue the deadlines in the Underlying Case. [See Attachment A hereto, Dkt. No. 312 in the Underlying Case]. In that joint motion, at par. 3, the parties informed the Central District Court that they needed more time to resolve certain fact discovery issues, “including the Parties’ concurrent Motions to Compel 30(b)(6) Deposition Testimony of Non-Party Google, Inc., currently pending in the Northern District of California.” [Id.]

On October 15, 2012, the Central District Court granted the parties’ joint request in the Underlying Case, and extended deadlines an additional 45 days. For example, the parties’ “Initial Expert Reports” were originally due October 29, 2012; they are now due December 13, 2012. [See Attachment B hereto, Dkt. No. 313]. The expert discovery cut-off is now not until January 31, 2013. [Id.] And the dispositive motion cut-off, which was originally December 17, 2012, has now been pushed to February 7, 2013. [Id.] If this Court orders a deposition of Google, there should be ample time before the dispositive motion cut-off for AMPAS to conduct the deposition of Google.

DATED: October 17, 2012

By: /s/ Enoch Liang

BOIES, SCHILLER & FLEXNER LLP

<sup>1</sup> Before filing this Notice of Ruling, counsel notified Google of the Central District of California’s ruling and provided Google with a copy of this pleading. Google has indicated that it reserves its right to object to this pleading.

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# **ATTACHMENT A**

#8975

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Attorneys for Defendants

GODADDY.COM, INC., and DOMAINS BY PROXY, INC.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ACADEMY OF MOTION PICTURE  
ARTS AND SCIENCES, a California  
nonprofit corporation,

Plaintiff,

v.

GODADDY.COM, INC., a Delaware  
corporation, et al.,

Defendants.

Case No.: 2:10-cv-03738-ABC-CW

**JOINT MOTION TO CONTINUE  
TRIAL AND CERTAIN PRETRIAL  
AND TRIAL DEADLINES**

**[Filed concurrently with Notice of  
Joint Motion to Continue Trial and  
Certain Pretrial and Trial Deadlines  
and [Proposed] Order]**

1 Plaintiff ACADEMY OF MOTION ARTS AND SCIENCES (“Academy”),  
2 on the one hand, and Defendants GODADDY.COM, INC. (“GoDaddy”) and  
3 DOMAINS BY PROXY, INC. ( “Defendants”) (taken together, the “Parties”), on  
4 the other hand, through their respective counsel of record, hereby jointly request  
5 the Court continue the trial and certain pretrial and trial deadlines a minimum of  
6 forty-five (45) days. As grounds for the request, the Parties state as follows:

7 1. The current pretrial and trial deadlines were set by the Court’s Order  
8 of July 19, 2012, in response to a Joint Motion by the Parties. (*See* Dkt. 270). The  
9 Court ordered as follows: Initial Expert Reports are due October 29, 2012; Rebuttal  
10 Expert Reports are due November 26, 2012; the Expert Discovery Cut-Off is  
11 December 10, 2012; the Dispositive Motion Cut-Off is December 17, 2012; the  
12 Dispositive Motion Hearing is set for January 29, 2013; the Final Pretrial  
13 Conference is set for March 18, 2013; and the Trial is set for April 2, 2013.

14 2. The Parties initiated informal settlement discussions, which are  
15 ongoing. And while progress has been made, a settlement agreement has not yet  
16 been reached. The Parties wish to avoid the cost of expert discovery while  
17 settlement discussions are progressing.

18 3. In addition, despite the Parties’ best efforts, there remain various open  
19 discovery issues, which the Parties are diligently working to resolve, including  
20 finishing certain 30(b)(6) deposition topics, certain third party depositions—  
21 including the Parties’ concurrent Motions to Compel 30(b)(6) Deposition  
22 Testimony of Non-Party Google, Inc, currently pending in the Northern District of  
23 California—and other outstanding written discovery.

24 4. The Parties agree that a continuance of all remaining pretrial and trial  
25 deadlines for a minimum of forty-five (45) days, as well as a continuance of the  
26 final pretrial conference and trial, will allow the Parties to continue their settlement  
27 discussions and complete the above-referenced discovery with sufficient time to  
28

1 for experts to prepare their reports, for the Parties to prepare and file any  
2 dispositive motions, and for the Parties to prepare their respective cases for trial.

3 5. The Parties request: (a) continuance of all pretrial and trial deadlines  
4 for a minimum of forty-five (45) days; (b) a continuance of the pretrial conference  
5 from the current date of March 18, 2013, for a minimum of forty-five (45) days; (c)  
6 a continuance of all due dates for the filing of pretrial and trial materials, including  
7 any dispositive motions, for a minimum of forty-five (45) days; and (d) the Court  
8 vacate the current April 2, 2013 trial date and reschedule the trial a minimum of  
9 forty-five (45) days from the current trial date. A proposed order is attached.

10  
11 **SO STIPULATED.**

12  
13 Dated: October 8, 2012

**WRENN BENDER LLP**

14  
15  
16 By: /s/ Aaron M. McKown

Aaron M. McKown

17 *Attorneys for Defendants*

18 GoDaddy.com, Inc. Domains By Proxy, Inc

19  
20 Dated: October 8, 2012

**BOIES, SCHILLER & FLEXNER, LLP**

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22 By: /s/ Enoch H. Liang

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ARTS AND SCIENCES

**PROOF OF SERVICE**  
CCP 1013a(3) Revised 5/1/88

**AMPAS v. GODADDY.COM, INC.**

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is: 2 Park Plaza, Ste. 550, Irvine, California, 92614. My e-mail address is: [ljarez@wrennbender.com](mailto:ljarez@wrennbender.com).

On October 8, 2012, I served the following document(s) described as: **JOINT MOTION TO CONTINUE TRIAL AND TO EXTEND CERTAIN DEADLINES** on all interested parties in this action by placing ☒ a true copy ☐ the original thereof enclosed in sealed envelopes addressed as follows:

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1 ☒ by CM/ECF NOTICE OF ELECTRONIC FILING - I caused said  
2 document(s) to be served by means of this Court's electronic transmission of the  
3 Notice of Electronic filing through the Court's transmission facilities, to the parties  
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6 ☐ BY MAIL - As follows: I am "readily familiar" with the firm's practice  
7 of collection and processing correspondence for mailing. Under that practice it  
8 would be deposited with U.S. Postal Service on that same day with postage thereon  
9 fully prepaid at Irvine, California in the ordinary course of business. I am aware  
10 that on motion of the party served, service is presumed invalid if postal cancellation  
11 date or postage meter date is more than one day after date of deposit for mailing in  
12 affidavit.

13 ☐ BY FACSIMILE - I caused said document to be transmitted to a  
14 facsimile machine maintained by the office of the addressee(s) at the facsimile  
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18 successfully transmitted without error.

19 ☐ BY OVERNIGHT DELIVERY - Depositing the above document(s) in a  
20 box or other facility regularly maintained by FedEx in an envelope or package  
21 designated by FedEx with delivery fees paid or provided for.

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23 served by electronic email transmission at the time shown on each transmission, to  
24 each interested party at the email address shown above. Each transmission was  
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26 ☒ FEDERAL - I declare that I am employed in the office of a member of  
27 the bar of this Court at whose direction the service was made.

28 Executed on October 8, 2012, at Irvine, California.

  
LAURA T. JUAREZ

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**UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF CALIFORNIA**

**Notice of Electronic Filing**

The following transaction was entered by McKown, Aaron on 10/8/2012 at 5:13 PM PDT and filed on 10/8/2012

**Case Name:** Academy of Motion Picture Arts and Sciences v. GoDaddy.com, Inc. et al

**Case Number:** [2:10-cv-03738-ABC-CW](#)

**Filer:** GoDaddy.com, Inc.

**Document Number:** [312](#)

**Docket Text:**

**NOTICE OF MOTION AND Joint MOTION to Continue Trial from April 2, 2013 to May 21, 2013 filed by Defendant GoDaddy.com, Inc.. (Attachments: # (1) Joint Motion to Continue, # (2) Proposed Order re Stipulation to Extend Certain Deadlines)(McKown, Aaron)**

**2:10-cv-03738-ABC-CW Notice has been electronically mailed to:**

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St. Charles, IL 90174

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**C:\fakepath\Notice of Joint Motion to Continue Deadlines 10-8-2012.pdf

**Electronic document Stamp:**

[STAMP cacdStamp\_ID=1020290914 [Date=10/8/2012] [FileNumber=14437562-0]  
] [2ea5ba30dc3d62748e158ff6f8deb7ba7e1f78179c2834d1608f0c2ff40b45c3a29  
23596dfe13f9eca1258e0f9005cf6dad4fde85c3319675389c3a71b0ab2bc]]

**Document description:** Joint Motion to Continue

**Original filename:**C:\fakepath\Joint Motion to Continue Deadlines 10-8-2012.pdf

**Electronic document Stamp:**

[STAMP cacdStamp\_ID=1020290914 [Date=10/8/2012] [FileNumber=14437562-1]  
] [c122f5d8f9187b2d65886c252d609f2912eb90ac0f167ff0043fcb9f11ff70eb293  
ab55a9999a23fc409db817210ec9e868726aba4e57b019fd3ff4f5c89652e]]

**Document description:**Proposed Order re Stipulation to Extend Certain Deadlines

**Original filename:**C:\fakepath\PROPOSED ORDER re Stip to Extend Certain Deadlines.pdf

**Electronic document Stamp:**

[STAMP cacdStamp\_ID=1020290914 [Date=10/8/2012] [FileNumber=14437562-2]  
] [500a78920d7c77a072abc9073a8f3fb06c7f293fae11ef59d1967ecf4e5173adb5b  
df7a49e9011e320daaf6589de3849f4feeaf66bf8a01d03c7a6e945360c31]]

# **ATTACHMENT B**

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ACADEMY OF MOTION PICTURE  
ARTS AND SCIENCES, a California  
nonprofit corporation,

Plaintiff,

v.

GODADDY.COM, INC., a Delaware  
corporation; et al.,

Defendants.

Case No.: 2:10-cv-03738-ABC-CW

**[PROPOSED] ORDER GRANTING  
JOINT MOTION TO CONTINUE  
TRIAL AND CERTAIN PRETRIAL  
AND TRIAL DEADLINES**

The Court has read and considered the Joint Motion to Continue Trial and Certain Pretrial and Trial Deadlines as well as the case file in this action. Good cause appearing for the requested relief, the Court orders as follows:

1. The following pretrial and trial deadlines are continued for a minimum of forty-five (45) days, as follows:

- a. Initial Expert Reports, previously due on **October 29, 2012**, are now due on **December 13, 2012**.
- b. Rebuttal Expert Reports, previously due on **November 26, 2012**, are now due on **January 10, 2013**.
- c. Expert Discovery Cut-Off, previously set for **December 17, 2012**, is now set for **January 31, 2013**.
- d. Dispositive Motion Cut-Off, previously set for **December 17, 2012**, is now set for **February 7, 2013**.
- e. Dispositive Motion Hearing Date, previously set for **January 29, 2013**, is now set for **March 18, 2013**.

2. The Final Pretrial Conference, previously set for **March 18, 2013**, is now set for **May 6, 2013**.

3. The Trial, previously set for **April 2, 2013**, is now set for **May 21, 2013**.

DONE AND ORDERED in Chambers in Los Angeles, California on this 15 day of October, 2012.



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The Hon. Audrey B. Collins  
United States District Judge